

**Probate Conservatorship Task Force
Business Meeting**

**San Francisco, California
October 13, 2006**

Minutes

Task Force Members Present: Hon. Roger W. Boren (*Chair*), Hon. S. William Abel, Ms. Judith Chinello, Ms. Michelle Williams Court, Hon. Don Edward Green, Hon. Donna J. Hitchens, Hon. Frederick Paul Horn, Hon. Laurence Donald Kay (Ret.), Ms. Gina L. Klee, Ms. Patricia L. McGinnis, Hon. Douglas P. Miller, Mr. Richard Narver, Ms. Jacquie Paige, Ms. Sandy Sanfilippo, Mr. Alan Slater, Ms. Pat Sweeten, and Mr. Alfredo Terrazas

Task Force Members Not Present: Hon. Aviva K. Bobb, Hon. Steven E. Jahr, Hon. William H. Kronberger, Dr. Margaret Little, Ms. Margaret Lodise, Hon. Sandra Lynn Margulies, Hon. Barbara J. Miller, and Ms. Gloria Ochoa

Task Force Staff: Chris Patton, (*Lead*), Rod Cathcart, Douglas C. Miller, Dan Pone, Susan Reeves, and Julia Weber

Item 1 Welcome and Introduction of Members

Justice Roger Boren, Chair, called the meeting to order and welcomed task force members. The presence of a member of the general public was noted (see Item 2). Introductions were made, the agenda for the day was reviewed, and the minutes from the August 4 meeting were approved.

Item 2 Public Comments

Mr. Keith S. Walker, an attorney in Claremont, California, spoke briefly about a recent notice by the Superior Court of San Bernardino County that effective October 23, 2006, reportedly provides that all probate and conservatorship matters, currently assigned to branch courts throughout the county, will be transferred to and heard only in the branch court in Redlands. This notice reportedly includes limited conservatorships for developmentally disabled adults. Mr. Walker believes this move will have a negative impact on the rights of the elderly and the disabled to have their day in court for conservatorship and other probate cases in that county, and that they will suffer unduly as the court system is made inaccessible to them. He pointed out that although the consolidation of probate matters in a single court may be logical from a staffing perspective, San Bernardino County is simply too large an area geographically (more than 20,000 square miles) for this plan to be logistically feasible.

Item 3 Discussion of Final Report to the Judicial Council

The task force is targeting presentation of its final report to the Judicial Council at the June 20, 2007 meeting. In preparation, a draft report will need to be sent out for public comment in February, allowing for a 60-day review period. This should permit sufficient time to incorporate comments and make any necessary changes in recommendations prior to June 20.

Item 4 Legislative Update

Dan Pone reported on the four bills (SB 1116 Scott, SB 1550 Figueroa, SB 1716 Bowen, and AB 1363 Jones) that were recently passed by the Legislature and signed into law by the Governor. Next steps will be to follow with a detailed fiscal analysis and development of the budget change proposals that will be submitted to the Department of Finance. The Office of Governmental Affairs will also be offering a number of regional new law workshops for the courts beginning in November 2006. The new probate conservatorship laws will be covered in depth at the workshops in order to assist the courts in implementing the new requirements.

There was a motion to request a legal opinion from the AOC's Office of the General Counsel on whether the mandates of the new legislation, are jurisdictional or not.

➤ *Motion was unanimously carried.*

Item 5 Recommendations of Education and Training, and Rules and Laws Working Groups

The two working groups presented their draft recommendations to the task force for discussion. Further discussion will be continued until the next meeting (November 28), along with the initial presentation of the Best Practices Working Group.

Item 6 Other Business

With no further business, the meeting was adjourned at 3:00 p.m.

Approved by the Probate Conservatorship Task Force on November 28, 2006